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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 PHILANA R. HAFNER,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,

14 Defendant.  
15

CASE NO. 11-cv-05962-RBL-JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

16 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28  
17 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,  
18 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on  
19 Defendant's (stipulated) motion to remand the matter to the Commissioner for further  
20 consideration. (ECF No. 16.)

21 After reviewing Defendant's stipulated motion and the relevant record, the undersigned  
22 recommends that the Court grant Defendant's motion, and reverse and remand this matter to the  
23 Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) .  
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1 On remand, based on the parties' stipulation, this Court recommends that the  
2 Commissioner's decision in regard to Plaintiff's applications for disability insurance benefits and  
3 supplemental security income payments under Titles II and XVI of the Social Security Act be  
4 REVERSED under sentence four of 42 U.S.C. §405(g) and REMANDED to the Commissioner  
5 of the Social Security Administration for further administrative proceedings before an  
6 administrative law judge (ALJ); a new hearing; and a new decision. See, Melkonyan v. Sullivan,  
7 501 U.S. 89 (1991).

8 On remand, the ALJ should 1) update the record and receive any additional evidence  
9 Plaintiff wishes to submit; 2) give further consideration to Plaintiff's mental impairments at steps  
10 two and three; 3) give further consideration to the medical source opinions, particularly those of  
11 Karin Barker, M.D., Norma Brown, Ph.D., Anna Borisovskaya, M.D., and the State agency  
12 consultants; 4) give further consideration to the lay statements from Michaela Hafner and  
13 Michael McComas; 5) give further consideration to Plaintiff's residual functional capacity; 6) if  
14 necessary, obtain supplemental testimony from a vocational expert regarding the erosion of the  
15 occupational base due to Plaintiff's limitations; and 7) if Plaintiff is found disabled, evaluate  
16 whether or not her alcohol abuse is material to the finding of disability.

17 This Court further recommends that the ALJ take any other actions necessary to develop  
18 the record. The plaintiff should be allowed to submit additional evidence and arguments to the  
19 ALJ on remand.

20 The parties stipulate that Plaintiff may be entitled to reasonable attorney's fees and costs  
21 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), following proper presentation  
22 of a request to this Court.  
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